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IONpath, Inc.

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

FLUIDIGM CORPORATION, A DELAWARE
CORPORATION; AND FLUIDIGM CANADA
INC., A FOREIGN CORPORATION,

Plaintiffs,

V.

**IONPATH, INC., A DELAWARE
CORPORATION,**

Defendant.

Case No. 3:19-cv-05639-WHA

**DEFENDANT IONPATH, INC.'S
ADMINISTRATIVE MOTION TO
FILE UNDER SEAL**

1 **I. INTRODUCTION**

2 Pursuant to Civil Local Rules 7-11 and 79-5, Defendant IONpath, Inc. (“IONpath”)
 3 respectfully submits this administrative motion to file under seal the documents identified below.

4 **II. LEGAL STANDARD**

5 While the Ninth Circuit has recognized that “the strong presumption of access to judicial
 6 records applies fully to dispositive pleadings, including motions for summary judgment and related
 7 attachments,” *Kamakana v. City & Cty. of Honolulu*, 447 F.3d 1172, 1179 (9th Cir. 2006), where a
 8 party “seeks to file under seal documents connected with a motion for relief from a nondispositive
 9 order regarding discovery, the Court will apply the ‘good cause’ standard.” *Virtue Glob. Holdings*
 10 *Ltd. v. Rearden LLC*, No. 15-cv-00797-JST, 2016 WL 11187257, at *1 (N.D. Cal. May 19, 2016).

11 **III. THE DOCUMENT SOUGHT TO BE SEALED**

12 IONpath seeks to file these documents under seal because they have been designated as
 13 “CONFIDENTIAL” by the opposing party pursuant to the protective order (Dkt. No. 69). IONpath
 14 understands that Fluidigm may maintain a claim of confidentiality over information contained in these
 15 documents. IONpath expects that Fluidigm may file a declaration in accordance with Civ. L.R. 79-5
 16 as necessary in order to confirm whether this information should be sealed.

17 Accompanying this motion is the Declaration of Joshua Furman in Support of IONpath’s
 18 Administrative Motion to File Under Seal and a Proposed Order. The complete, unredacted version
 19 of these documents have been lodged with the Court for in camera review and served upon the plaintiff.

20 The reasons for IONpath’s request to seal these documents, based upon personal knowledge,
 21 are set forth in the Declaration of Joshua Furman, submitted herewith

DOCUMENT	PORTIONS TO BE SEALED
Discovery Letter	Highlighted portion on p. 1
Exhibit A – Excerpt of Fluidigm’s Infringement Contentions	In its entirety
Exhibit B – Excerpt of Fluidigm’s Damages Contentions	In its entirety
Exhibit C – Excerpt of Fluidigm’s Supplemental Response to IONpath’s Interrogatories 6 & 7	In its entirety

1 Exhibit F – Excerpt of Fluidigm’s Response	In its entirety
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4 Dated: June 11, 2020

WILMER CUTLER PICKERING
HALE AND DORR LLP

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6 By: /s/ Joshua D. Furman
7 SONAL N. MEHTA
8 OMAR A. KHAN
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9 *Attorneys for Defendant IONpath, Inc.*

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